

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

CHARLES SMITH, JR.

PLAINTIFF

v.

CIVIL ACTION NO. 3:21CV553TSL-MTP

NURSE CONESHA MICHAEL, ET AL.

DEFENDANTS

ORDER

This cause is before the court on the report and recommendation of United States Magistrate Judge Michael T. Parker entered on April 6, 2022, recommending that the motion of defendants Conesha Michael and Kezia Miller to dismiss the claims against them based on plaintiff's admitted failure to exhaust be granted. Plaintiff Charles Smith, Jr. has filed an objection, whereby he again concedes that he filed suit while his administrative remedy was pending. For the reasons set forth in the report and recommendation, his objection is not well taken and will be overruled. Having fully reviewed the report and recommendation entered in this cause on April 6, 2022, and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

Based on the foregoing, it is ordered that plaintiff's objection is overruled and that the report and recommendation of United States Magistrate Judge Michael T. Parker entered on April

6, 2022, be, and the same is hereby, adopted as the finding of this court. It follows that defendants Michael and Miller's motion to dismiss is granted.

SO ORDERED this 26th day of April, 2022.

/s/ Tom S. Lee _____
UNITED STATES DISTRICT JUDGE